

Mr. R. B. Mishra  
Mr. B. N. Mohanty

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(C)  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No..... 569 1996

Kishore Chandra Chalne Kumar..... Applicant(s)

Versus  
Union of India & Ors..... Respondent(s)

| Sr. No | Date    | Orders   | Office note as to action (if any) taken on order   |
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|        |         | REGISTER<br>Sv<br>Registrar  | 1. P.O. for Rs 50/-<br>has been paid.  |
| 1      | 13.8.96 | Nobody is present for the petitioner. Adjourned to 17.9.1996.<br>MEMBER (ADMINISTRATIVE)   | for Regr Pl. 12/8/96<br>Sv   |
| 2      | 17.9.96 | Shri R.B.Mishra is on accommodation. Adjourned to 1.11.1996.<br>MEMBER (ADMINISTRATIVE)  | Pl 12/9/96<br>Sv 12.8.96   |
| 3      | 30.9.96 | Heard Shri R.B.Mishra, counsel for the applicant and Shri B.N.Mohanty, counsel for the Respondents.<br>In this application the petitioner challenges the order bearing No.E-6(1)/7 dated 16.1.1996, (Annexure-13 to this Application), modified vide Office Order No.E-6(1)/9 dated 18.1.1996, issued by Telecom District Manager, Sambalpur (Res. 3) shifting the applicant from the post of Legal Assistant in Legal Cell and posting him under the Divisional Engineer, Telephone Bhawan, Sambalpur.<br>The brief facts of this case are that the applicant possesses the qualification of M.A. in History. | Regd. 12.9.96 for admission.<br>Bench. 12/9/96<br>for admission, with interim order (As per memo)<br>Bench 27.9.96 |

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Office note as to  
action (if any)  
taken on order

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| ..63                      | 30.9.96          | L.L.M and also a Diploma in Personnel Management. The Department of Telecommunication transferred him on deputation, from the post of Telephone Operator and posted him as Legal Assistant under Respondent 3. He took up the new assignment on 7.5.1995. He was receiving an additional allowance for holding this post. In the month of March, 1994, Respondent 2, viz. Chief General Manager, Telecommunications, Bhubaneswar, sought options from the departmental officials to work in Legal Cell. The petitioner along with others offered their options. A Circular was issued inviting the petitioner and others to take the recruitment test for the post of Legal Assistant. That was to be held on 27.7.1994. It is further mentioned in the circular that the appointee to the post of Legal Cell Assistant would get the same scale of pay which he is being drawn by him in the present post without any extra allowance. The petitioner, accordingly took the examination on 27.7.1994. It is to be noted that by Annexure-3, the applicant was transferred on deputation basis for a period of six months for disposal of legal cases. Shri B.N.Mohanty, counsel for the Respondents submits that after the expiry of six months, Respondents have every right to revert him back. The contention of the applicant is that results of the examination taken in July, 1994, have not been published and thus, he says that he should continue in the Legal Cell and wants an interim orders from | ...  |

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| ..3                       | 30.9.96          | <p>this Court. The relief prayed for is to quash the orders vide Annexures-13,15 and 16. As mentioned above, Annexure-13 is the order of repatriation back to Telecon Bhawan, Annexure-15 is the relief order from the Legal Cell and Annexure-16 is the posting order at Telephone Bhawan.</p> <p>There is no vested right to a post de hors the rules. If the rules specify that the applicant should come through a test, he should go back and await the results. If other conditions are prescribed, the same should be complied with. There is no prayer for directing the Respondents to publish the results within a particular time frame. What the applicant wants is, a continuation in the post of Legal Assistant in the Legal Cell. Once the term of deputation has expired, the employers have every right to revert him back to his original post. This is the well-settled position of law. It is another matter for consideration if the applicant approaches this Tribunal afresh requiring the Respondents to publish the results. But without that prayer, what he is impugning at present is his order of repatriation to Telephone Bhawan. As stated above, there is no vested right to a particular post on deputation. After hearing the counsel for both sides, the application is dismissed at the admission stage.</p> <p>Hand over copies of the orders to the counsel for both sides.</p> <p><i>[Signature]</i><br/>MEMBER (ADMINISTRATIVE)</p> |  |